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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,463	06/05/2001	Yasuji Hayashi	B-4206 618869-4	6267

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EXAMINER

CHAU, COREY P

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/875,463

Applicant(s)

HAYASHI ET AL.

Examiner

Corey P. Chau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/14/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-6 and 8-13 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6587127 to Leeke et al (hereafter as Leeke).

3. Regarding Claim 1, Leeke discloses a system for broadcasting requested pieces of music utilizing an information system, comprising:

user terminals and a web server are connected through an Internet (Fig. 1; column 4, lines 8-20; column 6, lines 11-19);

a database in which data of pieces of music that can be requested are stored is connected to said web server (Fig. 1; column 5, lines 1-6);

a broadcasting system for transmitting at least pieces of music, said broadcasting system connected with said database through a management server (Fig. 1; column 6, lines 3-10);

one or more computers for staff are connected with said database through said management server (i.e. the term "staff" if not clearly defined in the claim, such as the purpose of the staff, therefore it is implicit that the computer is used by a person and the person using the computer is read as the staff) (Fig. 1; column 4, lines 13-20),

wherein said web server receives selections from among said pieces of music requested by said user terminals (Fig. 1; column 4, lines 8-20 and lines 50-67), and said management server computes classified totals (Fig. 1; column 6, line 3 to column 7, line 4), and wherein pieces of music selected with a click or automatically at said one or more computers for staff are broadcast by said broadcasting system (abstract; Fig. 1; column 4, lines 50-67; column 48, lines 48-67).

4. Regarding Claim 2, Leeke discloses said selections are made using buttons for voting for requested pieces of music displayed on screens of said terminals (Fig. 2).

5. Regarding Claim 3, Leeke discloses names, addresses, ages and messages are written and inputted at the time of said selections (Fig. 30; column 6, lines 11-19).

6. Regarding Claim 4, Leeke discloses times of requests, information on requested pieces of music and messages are transmitted by mail to said one or more computers for staff when said requests are received (Fig. 1; column 7, lines 17-30; column 25, line 49 to column 26, line 6).

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7. Regarding Claim 5, Leeke discloses said classified totals of pieces of music are obtained for each genre and wherein pieces of music in each genre specified by said one or more computers for staff are broadcast (Fig. 1; column 5, lines 49-61; column 30, lines 23-39).

8. Regarding Claim 6, Leeke discloses at least dates and times of the broadcasts are transmitted to the requesters by mail when said pieces of music are broadcast (Figs. 1 and 14; column 16, line 43 to column 17, line 14).

9. Claim 8 is essentially similar to Claim 1 and is rejected for the reasons stated above apropos to Claim 1.

10. Claim 9 is essentially similar to Claim 2 and is rejected for the reasons stated above apropos to Claim 2.

11. Claim 10 is essentially similar to Claim 3 and is rejected for the reasons stated above apropos to Claim 3.

12. Claim 11 is essentially similar to Claim 4 and is rejected for the reasons stated above apropos to Claim 4.

13. Claim 12 is essentially similar to Claim 5 and is rejected for the reasons stated above apropos to Claim 5.

14. Claim 13 is essentially similar to Claim 6 and is rejected for the reasons stated above apropos to Claim 6.

15. Claims 1-3 and 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6748427 to Drosset et al. (hereafter as Drosset).

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16. Regarding Claim 1, Drosset discloses a system for broadcasting requested pieces of music utilizing an information system, comprising:

user terminals and a web server are connected through an Internet (Figs. 1, 3 and 5; column 4, lines 24-35));

a database in which data of pieces of music that can be requested are stored is connected to said web server (Figs. 1, 3, and 5; column 4, lines 9-23; column 5, lines 25-40; column 8, lines 5-31);

a broadcasting system for transmitting at least pieces of music, said broadcasting system connected with said database through a management server (Figs. 1, 3, and 5);

one or more computers for staff are connected with said database through said management server (i.e. the term "staff" if not clearly defined in the claim, such as the purpose of the staff, therefore it is implicit that the computer is used by a person and the person using the computer is read as the staff) (Figs. 1, 3, and 5).

wherein said web server receives selections from among said pieces of music requested by said user terminals (Figs. 1, 3, 5, and 7; column 14, lines 19-42), and said management server computes classified totals (Figs. 1, 3, 5, and 13; column 26, lines 12-28; column 27, lines 44-62), and wherein pieces of music selected with a click or automatically at said one or more computers for staff are broadcast by said broadcasting system (Figs. 1, 3, 5, and 13; column 20, lines 9-32).

17. Regarding Claim 2, Drosset discloses said selections are made using buttons for voting for requested pieces of music displayed on screens of said terminals (Fig. 7).

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18. Regarding Claim 3, Drosset discloses names, addresses, ages and messages are written and inputted at the time of said selections (Figs. 14 and 15; column 26, lines 39-52).

19. Claim 8 is essentially similar to Claim 1 and is rejected for the reasons stated above apropos to Claim 1.

20. Claim 9 is essentially similar to Claim 2 and is rejected for the reasons stated above apropos to Claim 2.

21. Claim 10 is essentially similar to Claim 3 and is rejected for the reasons stated above apropos to Claim 3.

Claim Rejections - 35 USC § 103

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6587127 to Leeke.

24. Regarding Claim 7, Leeke discloses the system wherein the end user are allow to print data pertaining to the music and the server 102 comprising a computer that generates report, but does not expressly disclose a printer is connected to said

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management server to print data associated with said broadcast pieces of music.

However, the Examiner takes Official Notice that it is well known in the art that computer systems are provided with a printer (not shown in Leeke, but a well known device connected to a computer) in order to print reports, data pertaining to the music or other reports related, for example, for server administrator statistics, etc. Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Leeke to connect the management server to a printer in order to print data and to provide the report on paper.

25. Claim 14 is essentially similar to Claim 7 and is rejected for the reasons stated above apropos to Claim 7.

26. Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6748427 to Drosset.

27. Regarding Claim 7, Drosset discloses the system wherein the reports can be generated as hardcopy reports, but does not expressly disclose a printer is connected to said management server to print data associated with said broadcast pieces of music. However, the Examiner takes Official Notice that it is well known in the art that computer systems are provided with a printer (not shown in Drosset, but a well known device connected to a computer) in order to generate a hardcopy report. Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Drosset to connect the management server to a printer in order to generate a hardcopy of the report.

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28. Claim 14 is essentially similar to Claim 7 and is rejected for the reasons stated above apropos to Claim 7.

Response to Arguments

29. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection. See new interpretation above.

Conclusion

30. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Division 2615.

31. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

32. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corey P. Chau whose telephone number is (571)272-7514. The examiner can normally be reached on Monday - Friday 9:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on (571)272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

August 7, 2006
CPC


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SUPERVISORY PATENT EXAMINER